

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

CH&FW – Implementation of Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 & Rules 1996 (PC&PNDT Act & Rules) - Reconstitution of State Level Inspection & Monitoring Committee (SLIMC) PC&PNDT Act – Orders – Issued.

HEALTH MEDICAL AND FAMILY WELFARE (D1) DEPARTMENT

G. O Rt. No. 1838

Dated:05.11.2011

Read the following:

- 1) G. O. Ms. No. 107; HM&FW (D1) Dept; Dated 06.04.2005; Ex-Officio Secy. to Govt;
- 2) This office Rc. No. 0303/PC&PNDT/2011; Dated 17.06.2011 addressed to all concerned Departments / Organizations
- 3) Rc. No 030051/ZB/2011; Dated 15.07.2011; Director of Medical Education; AP; Hyderabad
- 4) This office Rc. No 0303/PC&PNDT/2011; addressed to the Director; Institute of Genetics ; Hospital for Genetic Diseases & Research Centre (OU); Hyderabad nominating the Director, as Member for State Level Inspection & Monitoring Committee;
- 5) This office Rc. No: 0303/PC&PNDT/2011; Dated 17.06.2011 addressed to the Indian Medical Association, Family Planning Association of India; Indian Red Cross Society; AP; Hyderabad
- 6) Govt Memo No. 8437/D1/2011; Dated 13.09.2011; the Prl. Secy to Govt; HM&FW Dept; AP Sectt; Hyderabad
- 7) Rc. No. 4002/K2/2011; Dated; 25.06.2011; the Director; Women Development & Child Welfare; AP; Hyderabad.
- 8) From the Commissioner of Family Welfare, Andhra Pradesh, Hyderabad Letter Rc.No.0303/PC&PNDT/2011 DT. 22-9-2011.

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ORDER:

The Government of India have issued certain instructions to the State Governments in the light of the judgment of the Supreme Court of India dated 10-9-2003 in the Public interest litigation filed by the centre for enquiry into Health and Allied Themes (EHAT) and other for implementation of the Pre-conception Pre-Natal Diagnostic Techniques (Prohibition of Sex selection) Act 1994.

2. Accordingly, the Commissioner of Family Welfare, Andhra Pradesh, Hyderabad has submitted proposals for reconstitution of the State level Inspection and Monitoring Committee for PC&PNDT Act. Through letter 8th read above, the Commissioner of Family Welfare, Andhra Pradesh, Hyderabad has informed that the Pre-Natal Diagnostic techniques (Regulation and Prevention of Misuse) Act, 1994 and the Pre-Natal Diagnostic (Regulation and Prevention of Misuse) Rules, 1996 have been amended and are called Pre-Natal diagnostic techniques (Regulation and Prevention of Misuse) amended Act 2002 and Rules, 2003 respectively and as per the amendment it is required to constitute State Level Inspection and Monitoring Committee for PC&PNDT Act. The Commissioner of Family Welfare, Andhra Pradesh, Hyderabad has therefore proposed to reconstitute the State Level Inspection and Monitoring Committee.

3. Government after careful examination of the proposal of the Commissioner of Family Welfare, A.P, Hyderabad have decided that a State Supervisory Board be constituted and notification issued. The Committee will be reconstituted with the following structure, terms and conditions and functions under the Pre-Conception and Pre- Natal Diagnostic Techniques (Prohibition of sex Selection) Act 1994 and Rules

(p.t.o)

1996 in the State of Andhra Pradesh with prime motive of inspection and monitoring of all premises covered under the said Act in compliance with Hon'ble Supreme Court of India orders and the instructions of the Government of India.

4. Accordingly, the following Notification will be published in the extraordinary issue of Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of Section 16 A of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and as amended by the Pre-Natal Diagnostic techniques (Regulation and Prevention of Misuse) Act, 2002 (Central Act 14 of 2003), the Governor of Andhra Pradesh hereby constitutes the State Supervisory Board for the whole of the State of Andhra Pradesh.

| Sl No | Particular | Designation as per Act |
|-------|---|--|
| I | Commissioner of Health & Family Welfare; AP; Hyderabad | Chairperson / Chairman (By Designation Only) |
| II | 3 Eminent persons among from Gyn. & Obst., Paediatrics; Radiology (Nominated by the Director of Medical Education, AP; Hyderabad either from Medical College or Govt. General Hospital) | Members (By Designation Only) |
| 1 | Dr.M.Tripura Sundari, Professor; & HOD, Obs & Gyn, Gandhi General Hospital; Secunderabad | Member |
| 2 | (Dr. Ranganath), Superintendent, Prof & HOD of Padiatrics; Niloufer Hospital; Hyderabad | Member |
| 3 | (Dr. Suman Chandra); Professor; Radiology & Sonology; Osmania General Hospital; Hyderabad | Member |
| III | Eminent Geneticist (Nominated by the Director; Institute of Genetics; Hospital for Genetic Diseases & Research Centre (OU); Hyderabad) | Member (By Designation Only) |
| 1 | Director; Institute of Genetics; Hospital for Genetic Diseases & Research Centre (OU); Greenland-Ameerpet; Near Lal Bungalow, Ameerpet; Hyderabad - 500 016 | Member |
| IV | Representative from Indian Medical Association (IMA); State Branch: Hyderabad | Member (By Designation Only) |
| 1 | The President / Secretary; Indian Medical Association, AP State Branch; IMA Buildings; Sultan Bazaar; Hyderabad – 500 027 | Member |
| V | Representative from Family Planning Association of India, Hyderabad | Member (By Designation Only) |
| 1 | The President; Family Planning Association of India (FPAI); 6-3-883/F; Adjacent to TOPAZ Building; Panjagutta Officers Colony Lane; Panjagutta; Hyderabad | Member |
| VI | Representative from Indian Red Cross Society; Hyderabad | Member (By Designation Only) |
| 1 | The State Secretary; Indian Red Cross Society; (IRCS); H. NO. 3-6-212; Street No. 15; Himayathnagar; Hyderabad | Member |
| VII | Legal Expert (Nominated by Law Department; AP Sectt; Hyderabad) | Member (By Designation Only) |
| 1 | The Circulating Officer in Law Department dealing with subject HM&FW Dept; (Joint Secretary to Govt; Law Dept) | Member |
| VIII | 6 Regional Directors of Medical & Health Services in the State (Nominated by the Commissioner of Health & Family Welfare; AP; Hyderabad) | Member (By Designation Only) |
| 1 | The Regional Director of Medical & Health Services; (Zone – I) Visakhapatnam | Member |
| 2 | The Regional Director of Medical & Health Services; (Zone – II); Rajahmundry | Member |

| SI No | Particular | Designation as per Act |
|-------|---|---------------------------------|
| 3 | The Regional Director of Medical & Health Services; (Zone – III); Guntur | Member |
| 4 | The Regional Director of Medical & Health Services; (Zone – IV); YSR Kadapa | Member |
| 5 | The Regional Director of Medical & Health Services; (Zone – V); Warangal | Member |
| 6 | The Regional Director of Medical & Health Services; (Zone – VI); Hyderabad | Member |
| IX | Representative from Mother NGO (Proposed by State Appropriate Authority for PC&PNDT Act / Addl. Dir (MCH) or the Commissioner of Health & Family Welfare | Member (By designation Only) |
| 1 | CH&FW TO NOMINATE (MOTHER NGOS) | Member |
| 2 | CH&FW TO NOMINATE (MOTHER NGOS) | Member |
| X | Eminent women Representative from NGO (Appointed by Women Development; Child Welfare & Disabled Welfare Dept or The Commissioner / Director; WD &CW Dept; AP; Hyderabad | Member (By designation Only) |
| 1 | The Secretary; M/s Vasavya Mahila Mandali; Nirmal Convent School; Benz Circle; Vijayawada | Member |
| XI | State Appropriate Authority for PC&PNDT Act / Additional Director (MCH); O/o Commissioner of Health & Family Welfare; AP; Hyderabad | Member-Convener |
| XII | The Supporting Officer of PC&PNDT; O/o Commissioner of Health & Family Welfare; AP; Hyderabad | Member-Secretary |
| | THE CO-OPTED MEMBERS | |
| 1 | The Missioner Director, National Rural Health Mission, O/o Commissioner of Health & Family Welfare; AP; Hyderabad | Co-opted Member |
| 2 | The Director of Public Health & Family Welfare; AP; Hyderabad | Co-opted Member |
| 3 | The Director of Medical Education, AP; Hyderabad | Co-opted Member |
| 4 | The Commissioner; APVVP; Hyderabad | Co-opted Member |
| 5 | The Assistant Director (SNP); O/o Director; WD & CW; AP; Hyderabad | Co-opted Member |
| 6 | The President / Secretary; Andhra Pradesh Medical Council; Hyderabad | Co-opted Member |
| 7 | The President /Secretary Indian Radiology and Imaging Association, A.P., Hyderabad | Co-opted Member |

(* ALL MEMBERS WILL BE BY DESIGNATION ONLY)

ANNEXURE

2) THE TERM OF THE COMMITTEE:

- 1) The Committee will meet once in TWO MONTHS and submit the report to the Chairperson, State Appropriate Authority regarding their activities of inspection and monitoring and action initiated against the violators of the provisions of Act and Rules with the help of concerned District Appropriate Authority for PC&PNDT Act / District Medical & Health Officers in the State / Sub-District Appropriate Authority. Even though the intervene period of each meeting will be TWO MONTHS; the special meeting may be convened by the Chairperson / Chairman or Member-Convener of the Committee will depending upon necessity or by nature of emergency etc.
- 2) The Term of the Committee is THREE YEARS. The term will be extended for ONE MORE YEAR by the State Supervisory Board / State Government on the basis of proposal submitted by the Chairperson / Chairman, State Inspection & Monitoring Committee or Chairperson / Chairman, State Appropriate Authority for PC&PNDT Act.

- 3) The term of office of a member other than ex-officio member shall be THREE YEARS. It can be extended for a period of ONE MORE YEAR by Chairperson / Chairman, State Inspection & Monitoring Committee or the Chairperson / Chairman, State Appropriate Authority duly submitting proposal well in advance to the State Supervisory Board / State Government.
- 4) If a vacancy occurs in the office of any member other than ex-officio member it shall be filled by making fresh appointment. Relevant proposal has to be submitted to State Supervisory Board / Government
- 5) In case of ex-officio member membership falls vacant due to any reason such as transfer, promotion, retirement by superannuating or voluntary retirement, retrenchment, and dismissal from service etc., it can be filled automatically by the successor or in-charge of such post as the membership is by DESIGNATION ONLY.
- 6) One-third of the total number of members of the Committee shall constitute the quorum.
- 7) The Committee may co-opt a member as and when required, provided that the number co-opted member does not exceed one-third of the total strength of the Committee.
- 8) The co-opted members shall have the same powers and functions as other members, except the right to vote and shall abide by the rules and regulations.
- 9) In respect of the matter not specified in the above terms and conditions, the Chairperson / Chairman, State Inspection & Monitoring Committee or State Appropriate Authority shall follow the procedure and conditions as are applicable to Committee or State Appropriate Authority; which are specified by the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Ruls 1996 (including amendments time to time carried out to the Act and Rules by Government of India, as and when circulated to the State Appropriate Authority / statutory body) or Central Supervisory Board or Government of India or State Supervisory Board or State Government etc.
- 10) All tour programme of official; non-official and co-opted members shall be circulated to the Commissioner of Health & Family Welfare; AP; Hyderabad for prior approval under intimation to the Chairperson / Chairman; State Appropriate Authority (PC&PNDT) and Additional Director (MCH)
- 11) The Department of Health & Family Welfare (Chairperson / Chairmen; State Appropriate Authority) will pay TA / DA to the non-official members of the Team as admissible under existing rules for the prior approved tour programme. Their tour programme has to approved priorily by the Chairperson / Chairman; State Appropriate Authority or Chairperson / Chairman, State Inspection & Monitoring Committee i. e., Commissioner of Health & Family Welfare; AP; Hyderabad
- 12) In respect of TA / DA of Ex-Officio members the tour programme has also to be circulated in advance to the Commissioner of Health & Family Welfare and the Chairperson / Chairman, State Inspection Monitoring Committee under intimation to the Chairperson / Chairman; State Appropriate Authority (PC&PNDT). The TA / DA will be met from their respective departmental budget.

1) FUNCTIONS OF THE COMMITTEE:

- 1) Visit vulnerable districts as per the directions of the Chairperson Chairman, State Supervisory Board or State Inspection & Monitoring Committee or State Appropriate Authority and submit regular report to the State Supervisory Board or State Inspection & Monitoring Committee or State Appropriate Authority. The districts to be visited will be finalized by the Chairperson / Chairman, State Inspection & Monitoring Committee or State Appropriate Authority.
- 2) The survey, analysis, feed-back of study of low sex ratio areas, high rate MTPs taken place in the districts; and the reasons thereof; the details of institutional deliveries etc.,
- 3) Inspection and monitoring of IEC and activities generated for social awareness being pursued in District for implementation of the Act

- 4) Inspection and monitoring of surveys of Genetic Counselling Centres, Genetic Laboratories, Genetic Clinics, Ultra-Sound Clinics and Imaging Centres etc. bodies using ultrasound machines / equipment which are capable of detecting sex of the foetus or pre-conception selection of sex with the help of District Appropriate Authorities at the level of District and Sub-District.
- 5) Inspection and monitoring of registration and renewal of Genetic Counseling Centres, Genetic Laboratories, Genetic Clinics, Ultra-sound Clinics and Imaging Centres etc., using ultra-sound machines / equipment which capable of detecting sex of foetus or pre-conception selection of sex with the Appropriate Authorities at level of District and Sub-District.
- 6) Monitoring of prosecution launched against un-registered bodies and violators of provisions of the Act and Rules and Orders of the Hon'ble Supreme Court of India or any other Hon'ble Courts.
- 7) Monitoring of compliances of Hon'ble Supreme Court of India orders.
- 8) During the field visit, 3 to 4 members of the Committee may go as a team to inspect the premises covered under the Act. Among them at least one member should be a member from Gyn. and Obst, or Pediatrics or Genetics or Radiologist category.
- 9) If any team visit any area, concerned Regional Director Medical and Health Services, will lead the team and he have responsibility for submission of the tour report / inspection report / action taken report etc to State Appropriate Authority. Further he has to ensure the reflection of the same in the current or next Quarterly Report of concern district, which has to be submitted to the State Appropriate Authority.
- 10) Any other assignment as prescribed by the Act and Chairperson / Chairman of the Committee.

4. DISQUALIFICATIONS FOR APPOINTMENT AS MEMBER:

A person shall be disqualified for being appointed as member, if he

- 1) Has convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government / State Government / State Supervisory Board / State Appropriate Authority, involves moral turpitude; or
- 2) Is an un-discharged insolvent; or
- 3) Is of un-sound mind and stands so declared by a competent court; or
- 4) Has been removed or dismissed from the service of Government or a Corporation owned or controlled by the Government; or
- 5) Has, in the opinion of the Central Government / State Government / State Supervisory Board / State Appropriate Authority, such financial or other interest in the Committee as is likely to affect prejudicially the discharge by him of his functions as a member; or
- 6) Has, in the opinion of the Central Government / State Government / State Supervisory Board / State Appropriate Authority, been associated with the use or promotion of pre-natal diagnostic techniques for determination of sex or with any sex selection techniques

6. ELIGIBILITY OF MEMBER FOR REAPPOINTMENT:

Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for re-appointment as such member, provided that no member other than an ex-officio member shall be appointed for more than THREE CONSECUTIVE TERMS. If extension of consecutive term of above (THREE) prescribed term of a particular member, the Chairperson, State Advisory Committee should submit the justification for extension of consecutive term of such member.

5 The Commissioner of Family Welfare A.P. Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Health & Family Welfare; Andhra Pradesh; Hyderabad

The Chairperson / Chairman, State Appropriate Authority for PC&PNDT Act and Additional Director (MCH); O/o Commissioner of Health & Family Welfare; Andhra Pradesh; Hyderabad

All Members; State Level Inspection & Monitoring Committee (SLIMC) for PC&PNDT Act.

All Collectors & District Magistrates (Chairpersons / Chairman, District Advisory Committee for PC&PNDT Act) in the State

All District Medical & Health Officers (District Appropriate Authorities for PC&PNDT Act) in the State

Copy to

The Chief Secretary to Government; Women Development; Child Welfare & Disabled Welfare Dept; AP Sectt; Hyderabad

The Director; Women Development & Child Welfare; (Yousuf guda; Hyderabad) AP; Hyderabad

The Secretary to Government (Legal Affairs & Justice); Law Department; AP Sectt; Hyderabad

The Commissioner; Tribal Welfare; Samkshema Bhawan; Masub Tank; Hyderabad

The Commissioner, APVVP; Hyderabad

The Director; Public Health & Family Welfare; Andhra Pradesh; Hyderabad

The Director of Medical Education; AP; Hyderabad

The P. S. to Minister (HM&FW Dept) AP Sectt; Hyderabad

The Joint Secretary to Hon'ble Chief Minister; Government of Andhra Pradesh; Sectt; Hyderabad

The Joint Secretary to Government of India, (Smt. Anuradha Gupta; IAS); M/H&FW; Nirman Bhawan; New Delhi

The Director (PNDT); Government of India, (Smt. Anuradha Gupta; IAS); M/H&FW; Nirman Bhawan; New Delhi

The Section Officer (PNDT) Government of India, (Smt. Anuradha Gupta; IAS); M/H&FW; Nirman Bhawan; New Delhi

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//FORWARDED :: BY ORDER //

SECTION OFFICER